

## REMARKS

In the above –referenced Office Action the Examiner rejected the claims under 35 U.S.C. 112 in view of the use of the term “in combination”. By this amendment that term has been deleted.

The Examiner also rejected claim 7 as vague in the recitation of “at least 6 to 7 weeks” in view of the fact that it is unclear whether the 6 to 7 weeks refers to a range. By this amendment applicant has deleted the 7 weeks from claim 7 so that it now reads that the treatment is pursued for at least six weeks with the upper limit unspecified. Clearly a patient could use the method of this invention on a regular basis for a very extended period if desired.

Accordingly Applicant considers the claims compliant with 35 U.S.C. 112 and it is requested that this rejection be reconsidered and withdrawn.

The Examiner has also rejected the claims citing the patent Seed et al. with the secondary references to Hoie, Kirschman et al. and Yegorova. It is the Examiner’s stated position that Seed et al. teaches the entire invention with the exception of the use of lecithin. The Hoie reference is cited for the teaching of the use of a soybean preparation in combination with fish oil and a nicotinic acid derivatives whereas the Kirschman et al. references cited for a teaching for the use of lecithin, and nicotinic acids are shown in the Yegorova patent reference. It is requested that this rejection be reconsidered and withdrawn for the following reasons:

Examination of the Seed et al. patent reveals that the composition for treatment has two required ingredients, a fish oil derivative or a marine lipid as described and

further, a cholesterol synthesis inhibitor. The inhibitors described are statin derivatives. Accordingly, a statin derivative is a requirement for the Seed et al. reference. Statins however have no basis in the instant invention and in order to emphasize that fact, the ingredients claimed in claim 1 had been described as “consisting of the named ingredients” rather than “comprising” the same. The compounds identified then are closed and the claim requires fish oil concentrate, niacin, and lecithin.

As is well known, the compounds identified in claim 6 are fish oil lipids. See the Seed et al. reference, column 3, lines 57-62.

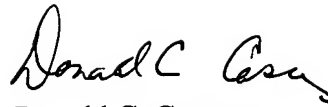
It should be emphasized that the Seed et al. reference also teaches the use of a number of additional ingredients which are not required, and also not a part of the instant invention. For example, a bile acid sequestrant is described. This ingredient is not part of the instant invention.

Concerning the use of statins, see the instant specification, page 2, lines 16-21.

Concerning the Hoie reference, as described at column 10, last full paragraph the invention requires a phytoestrogen compounds such as naturally occurring isoflavones. These compounds have no part in the instant invention.

Accordingly, in view of the fact that there is no teaching in the Seed reference to delete statins, and no teaching in the Hoie reference to delete the soybean compounds, and further in the existing references there is no teaching for the combination of ingredients described and claimed herein, Applicant considers this case in condition for allowance and an early notice is requested.

Respectfully submitted,



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